

the state commissioner of elections, the state commissioner shall forward the complaint to the ethics and campaign disclosure board established in section 68B.32 for resolution.

If, after the initial proposed supervisor district plan or precinct plan has been submitted to the state commissioner for approval, it is necessary for the temporary county redistricting commission to make subsequent attempts at adopting an acceptable plan, the subsequent plans do not require public hearings.

Approved April 22, 2008

CHAPTER 1116

LOBBYING BY STATE AGENCIES — RESTRICTIONS

S.F. 2427

AN ACT prohibiting certain lobbying activities of state agencies and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 68B.8 LOBBYING ACTIVITIES BY STATE AGENCIES.

A state agency of the executive branch of state government shall not use or permit the use of its public funds for a paid advertisement or public service announcement thirty days prior to or during a legislative session for the purpose of encouraging the passage, defeat, approval, or modification of a bill that is being considered or was considered during the previous legislative session, by the general assembly.

Sec. 2. Section 68B.25, Code 2007, is amended to read as follows:
68B.25 ADDITIONAL PENALTY.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of sections 68B.2A through ~~68B.7~~ 68B.8, sections 68B.22 through 68B.24, or sections 68B.35 through 68B.38 is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Approved April 24, 2008

CHAPTER 1117

COUNCIL ON HOMELESSNESS

S.F. 2161

AN ACT providing for the establishment of a council on homelessness.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 16.100A COUNCIL ON HOMELESSNESS.

1. A council on homelessness is established consisting of thirty-eight voting members. At least one voting member at all times shall be a member of a minority group.

2. Members of the council shall consist of all of the following:
 - a. Twenty-six members of the general public appointed to two-year staggered terms by the governor in consultation with the nominating committee under subsection 4, paragraph "a".
 - (1) Voting members from the general public may include, but are not limited to the following types of individuals and representatives of the following programs: homeless or formerly homeless individuals and their family members, youth shelters, faith-based organizations, local homeless service providers, emergency shelters, transitional housing providers, family and domestic violence shelters, private business, local government, and community-based organizations.
 - (2) Five of the twenty-six voting members selected from the general public shall be individuals who are homeless, formerly homeless, or family members of homeless or formerly homeless individuals.
 - (3) One of the twenty-six members selected from the general public shall be a representative of the Iowa state association of counties.
 - (4) One of the twenty-six members selected from the general public shall be a representative of the Iowa league of cities.
 - b. Twelve agency director members consisting of all of the following:
 - (1) The director of the department of education or the director's designee.
 - (2) The director of the department of economic development or the director's designee.
 - (3) The director of human services or the director's designee.
 - (4) The attorney general or the attorney general's designee.
 - (5) The director of the department of human rights or the director's designee.
 - (6) The director of public health or the director's designee.
 - (7) The director of the department of elder affairs or the director's designee.
 - (8) The director of the department of corrections or the director's designee.
 - (9) The director of the department of workforce development or the director's designee.
 - (10) The director of the department of public safety or the director's designee.
 - (11) The director of the department of veterans affairs or the director's designee.
 - (12) The executive director of the Iowa finance authority or the executive director's designee.
3. An agency director's designee may vote on council matters in the absence of the director.
4. a. A nominating committee initially comprised of all twelve agency director members shall nominate persons to the governor to fill the general public member positions. Following appointment of all twenty-six general public members, the composition of the nominating committee may be modified by rule.
 - b. The council may establish other committees and subcommittees comprised of members of the council.
5. A vacancy on the council shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the remainder of the unexpired term.
6. a. A majority of the members of the council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its membership.
 - b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall serve two-year terms. The chairperson and vice chairperson shall not both be either general public members or agency directors. The chairperson shall rotate between agency director members and general public members.
 - c. The council shall meet at least six times per year. Meetings of the council may be called by the chairperson or by a majority of the members.
 - d. General public members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties. Expense payments shall be made from appropriations made for purposes of this section.
7. The Iowa finance authority shall provide staff assistance and administrative support to the council.
8. The duties of the council shall include but are not limited to the following:

- a. Develop a process for evaluating state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to help prevent and alleviate homelessness.
- b. Evaluate whether state agency resources could be more efficiently coordinated with other state agencies to prevent and alleviate homelessness.
- c. Work to develop a coordinated and seamless service delivery system to prevent and alleviate homelessness.
- d. Use existing resources to identify and prioritize efforts to prevent persons from becoming homeless and to eliminate factors that keep people homeless.
- e. Identify and use federal and other funding opportunities to address and reduce homelessness within the state.
- f. Work to identify causes and effects of homelessness and increase awareness among policymakers and the general public.
- g. Advise the governor's office, the Iowa finance authority, state agencies, and private organizations on strategies to prevent and eliminate homelessness.
9. The council shall conduct a study of issues relating to the following:
 - a. Low-income seniors and low-income persons with any form of disability, including but not limited to physical disability, developmental disability, mental illness, co-occurring mental illness and substance abuse disorders, or AIDS and AIDS-related conditions. For purposes of this section, "AIDS" and "AIDS-related conditions" mean the same as defined in section 141A.1.
 - b. Low-income and moderate-income persons unable to afford transportation or housing near work, and adequate affordable housing able to support economic growth and development of a community, including new construction, community redevelopment, and urban renewal.
 - c. Low-income persons residing in existing affordable housing that is in danger of becoming unaffordable or lost, and persons determined to be or at risk of becoming homeless.
 - d. Affordable rental housing, access to available financing for housing, first-time home buyers, and relationships between landlords and tenants.
10.
 - a. The council shall make annual recommendations to the governor regarding matters which impact homelessness on or before September 15.
 - b. The council shall prepare and file with the governor and the general assembly on or before the first day of December in each odd-numbered year, a report on homelessness in Iowa.
 - c. The council shall assist in the completion of the state's continuum of care application to the United States department of housing and urban development.
11.
 - a. The Iowa finance authority, in consultation with the council, shall adopt rules pursuant to chapter 17A for carrying out the duties of the council pursuant to this section.
 - b. The council shall establish internal rules of procedure consistent with the provisions of this section.
 - c. Rules adopted or internal rules of procedure established pursuant to paragraph "a" or "b" shall be consistent with the requirements of the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11301, et seq.
12. The council shall comply with the requirements of chapters 21 and 22. The Iowa finance authority shall be the official repository of council records.

Approved April 25, 2008

CHAPTER 1118**SOLID WASTE DISPOSAL —
MISCELLANEOUS CHANGES***S.F. 2276*

AN ACT relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.301, Code 2007, is amended to read as follows:

455B.301 DEFINITIONS.

As used in this part 1 of division IV, unless the context clearly indicates a contrary intent:

1. “Actual cost” means the operational, remedial and emergency action, closure, postclosure, and monitoring costs of a sanitary disposal project for the lifetime of the project.

2. “Beneficial use” means a specific utilization of a solid by-product as a resource that constitutes reuse rather than disposal, does not adversely affect human health or the environment, and is approved by the department.

2. 3. “Beverage” means wine as defined in section 123.3, subsection 37, alcoholic liquor as defined in section 123.3, subsection 5, beer as defined in section 123.3, subsection 7, wine cooler or drink, tea, potable water, soda water and similar carbonated soft drinks, mineral water, fruit juice, vegetable juice, or fruit or vegetable drinks, which are intended for human consumption.

3. 4. “Beverage container” means a sealed glass, plastic, or metal bottle, can, jar, or carton containing a beverage.

4. 5. “Biodegradable” means degradable through a process by which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds.

5. 6. “Closure” means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed sanitary landfill, including but not limited to application of final cover, grading and seeding of final cover, installation of an adequate monitoring system, and construction of ground and surface water diversion structures, if necessary.

6. 7. “Closure plan” means the plan which specifies the methods and schedule by which an operator will complete or cease disposal operations of a sanitary disposal project, prepare the area for long-term care, and make the area suitable for other uses.

7. 8. “Degradable” means capable of decomposing by biodegradation, photodegradation, or chemical process into harmless component parts after exposure to natural elements for not more than three hundred sixty-five days.

8. 9. “Financial assurance instrument” means an instrument submitted by an applicant to ensure the operator’s financial capability to provide reasonable and necessary response during remedial responses.

a. The instrument shall be sufficient to ensure adequate response the lifetime of the project and for the thirty years following closure, and to provide for the closure of the facility and postclosure care required by rules adopted by the commission in the event that the operator fails to correctly perform closure and postclosure care requirements pursuant to section 455B.304, subsection 6.

b. The instrument shall be sufficient to ensure the proper closure and postclosure care of the project, and corrective action, if necessary, in the event the operator fails to correctly perform those requirements.

c. The form instrument may include the provide for one or more of the following:

(1) The establishment of a secured trust fund,

(2) The use of a cash or surety bond, or the

(3) The obtaining of insurance.